

**DARREN J. WELSH, CHARTERED**

**DARREN J. WELSH, ESQ.**

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Attorney for Plaintiffs

Jennifer Jonas and James Brian Jonas

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

JENNIFER JONAS, an individual, JAMES  
BRIAN JONAS, an individual,

Plaintiffs,

vs.

NYE COUNTY SHERIFF'S DEPARTMENT,  
a Political Subdivision of Nye County, State  
of Nevada; NYE COUNTY, a Political  
Subdivision of the State of Nevada; ANTHONY  
DEMEO, individually and in his capacity of  
Sheriff of Nye County, Nevada; RICHARD  
MARSHALL, individually and in his capacity as  
Assistant Sheriff of Nye County, Nevada;  
ANTHONY MARK MEDINA, individually and in  
his capacity as Lieutenant of Nye County, Nevada;  
DOES 1 through 100, inclusive; and ROE  
ENTITIES 1 through 100, inclusive,

Defendants.

CASE NO.: 2:16-cv-03026-JAD-VCF

**PLAINTIFFS' MOTION FOR AN  
EXTENSION OF TIME TO FILE  
DISCOVERY PLAN AND  
SCHEDULING ORDER  
[FIRST REQUEST]**

**COME NOW**, Plaintiffs James Brian Jonas and Jennifer Jonas, (collectively referred to  
as "Plaintiffs Jonas"), by and through their counsel of record, Darren J. Welsh, Esq. of the law

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PLAINTIFFS' MOTION FOR AN EXTENSION OF TIME TO FILE DISCOVERY PLAN  
AND SCHEDULING ORDER [FIRST REQUEST]

1 firm Darren J. Welsh, Chartered, and hereby submit their first Application for a forty-five day  
 2 extension of time to file the Discovery Plan and Scheduling Order currently due by March 12,  
 3 2017. This Motion is based upon the attached Memorandum of Points and Authorities, all  
 4 papers and pleadings on file herein, any any oral argument this Court may entertain at the time  
 5 of any hearings on the matter.  
 6

## 7 MEMORANDUM OF POINTS AND AUTHORITIES

### 8 I. BACKGROUND

9 This matter is a Title VII of the Civil Rights Act of 1964, as amended, action filed with  
 10 this Court on December 29, 2016 against Defendants Nye County Sheriff's Department, Nye  
 11 County, Anthony DeMeo, Richard Marshall and Anthony Mark Medina. The Defendants  
 12 Anthony DeMeo, Richard Marshall and Anthony Mark Medina were each timely served with  
 13 their respective Summons and Complaint. Defendants Nye County Sheriff's Department and  
 14 Nye County executed a Waiver of Service via their counsel Rebecca Bruch of the law firm  
 15 Erickson Thorpe & Swainston, Ltd. on January 17, 2017, with the Court Ordering and their  
 16 answer due date of March 18, 2017. On January 24 2017, Defendants Anthony DeMeo,  
 17 Richard Marshall and Anthony Mark Media, by and through their counsel of record, Nicholas  
 18 Crosby of Marquis & Aurbach, filed their Motion to Dismiss Plaintiffs' Complaint [Document  
 19 11]. The Court ordered the Discovery Plan/Scheduling Order due by March 12, 2017. Plaintiffs'  
 20 filed their Notice of Non-Opposition to Defendants DeMeo's, Marshall's and Medina's Motion  
 21 to Dismiss [Document 21]; and on February 21, 2017, the Court granted said Motion to Dismiss  
 22 [Document 16]. This matter was assigned to the Early Neutral Evaluation Program and set for  
 23 the ENE Session on April 25, 2017 and this date was advanced due to conflicting duties of the  
 24  
 25  
 26

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1 Court to March 22, 2017 [Document 15]. Due to further scheduling conflicts of counsel, the  
2 ENE session was reset for May 3, 2017 [Document 23].

3 **II. STATEMENT OF FACTS**

4 Plaintiffs Jonas have dismissed Defendants Anthony DeMeo, Richard Marshall and  
5 Anthony Mark Medina from this action. The remaining Defendants, Nye County Sheriff's  
6 Department and Nye County, have until March 18, 2017 in which to answer Plaintiffs'  
7 Complaint. The Court has set the due date for the Discovery Plan and Scheduling Order for  
8 March 12, 2017. However, in light of the fact that Defendants Nye County Sheriff's Department  
9 and Nye County have not yet answered Plaintiffs' Complaint, an extension of time of forty-five  
10 (45) days is requested to enable the parties to formulate the Discovery Plan.  
11

12 **III. LEGAL ARGUMENT**

13 L.R. 26-1 sets forth the Discovery Plans and Mandatory Disclosures.

14  
15 Fed. R. Civ. P. 26(f) Meeting: Filing and Contents of Discovery  
16 Plan and Scheduling Order.

17 The pro se plaintiff or plaintiff's attorney must initiate the  
18 scheduling of the conference required by Fed. r. Civ. P. 26(f) to be  
19 held within 30 days after the first defendant answers or otherwise  
20 appears.

21 In this instance, Defendants Nye County Sheriff's Department and Nye County have  
22 until March 18, 2017 in which to answer Plaintiffs' Complaint. The current deadline for the  
23 Discovery Plan/Scheduling Order is March 12, 2017, or six (6) days BEFORE their answer is  
24 due.  
25  
26

1 **IV. CONCLUSION**

2 **THEREFORE**, based on the above, Plaintiffs Jonas respectfully request that the Court  
3 vacate the March 12, 2017 deadline for filing the Discovery Plan/Scheduling Order and reset it  
4 to forty-five days after March 12, 2017 or April 26, 2017, to enable the remaining Defendants  
5 time to file their answer to Plaintiffs' Complaint and for the Parties to formulate their discovery  
6 plan and scheduling dates.  
7

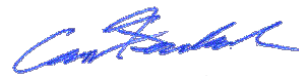
8 **DATED** this 10th day of March, 2017.

9 Respectfully Submitted:

10  
11 **DARREN J. WELSH, CHARTERED**

12 /s/ Darren J. Welsh, Esq.  
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19 Email: darren@dwelsh.com  
20 Attorney for Plaintiffs Jennifer Jonas  
21 and James Brian Jonas

22 **IT IS SO ORDERED.**

23 

24 **UNITED STATES MAGISTRATE JUDGE**

25 Dated this 13th day of March, 2017.

26  
27  
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